

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1834

INTRODUCER: Children, Families, and Elder Affairs Committee

SUBJECT: Crossover Youth

DATE: April 9, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon		cf SPB 7134 as introduced
2.	Dugger	Cannon	CJ	Favorable
3.			AP	
4.				
5.				
6.				

I. Summary:

SB 1834 authorizes the Department of Children and Families (DCF or the department) and the Department of Juvenile Justice (DJJ) to collaborate on a pilot project to demonstrate a more effective service model for crossover youth, in one county, which is mutually agreed upon by DJJ and DCF. The term “crossover youth” is used to describe children, under the age of 18, who are under the care of both DCF and DJJ. The bill requires DCF to seek proposals from interested child welfare service providers to elicit innovative approaches for the pilot with preference being given to providers in counties with a unified family court system. The bill requires the pilot project to include the following elements:

- Training provided by the DJJ to pilot home staff.
- Intervention services by the DJJ to post commitment youth residing in pilot homes.
- Enhanced security measures at pilot homes.
- Unified treatment plans for cross over youth served by multiple state and local agencies.
- Interventions to ensure that youth at low risk to reoffend are not negatively affected by high risk cross over youth.

The bill requires an interim report and a final report due on findings, including specific performance measures identified in the bill and recommendations from the pilot project.

The bill has a fiscal impact on state government and has an effective date of upon becoming law.

This bill creates an unnumbered section of the Florida Statutes.

II. Present Situation:

Background

It has been recognized for some time that children involved in the child welfare system are at risk of “crossing over” to the juvenile justice system and, inversely, that many juvenile justice involved youth later become involved in the child welfare system.¹ Though not fully understood, the relationship between child maltreatment and delinquency is well established. Recognition of this relationship, however, has not always resulted in implementation of coordinated practice across the child welfare and juvenile justice systems, leaving many youth to fall into the crack that separates the two systems. At least one obstacle to improving the care of crossover youth is the absence of a clear definition of who these youth are and how they can be identified.²

A number of terms are currently used to refer to children who are involved in both the child welfare and juvenile justice systems and as we learn more about youth who experience maltreatment and delinquency, the need for standard definitions becomes clear. A number of practitioners have offered three terms and corresponding definitions to help categorize youth who experience different levels of system involvement:

- **Crossover youth** is the term used to define any youth who has experienced maltreatment and who has also engaged in delinquency regardless of system involvement. Crossover youth, in other words, experience maltreatment and delinquency, but they may or may not enter the child welfare and/or juvenile justice systems.
- **Dually-involved youth** represent a subgroup of crossover youth who are concurrently known to both the child welfare and juvenile justice systems at some level. Their contact may be preventative (i.e., having a voluntary case in child welfare and/or receiving informal diversion in juvenile justice), formal (i.e., having substantiated allegations for abuse and/or neglect or being adjudicated delinquent in the delinquency court), or a combination of both.
- **Dually-adjudicated youth**, a subgroup of dually involved youth, includes youth who entered both systems, were formally processed by both systems, and are under the formal care and control of them.³

This is a youth population with many complex needs that require systems to work together in a different way if improved outcomes are to be realized. Challenges to this working relationship include:

- There is often a lack of structural relationships and understanding among the agencies that are involved with dually-involved youth;
- In some states, there is no mechanism for interaction between staff of the child welfare and juvenile justice systems, and in others, there is simply no acknowledgment that joint cases even exist;

¹ Denise Herz, et al. *Addressing the Needs of Multi-System Youth: Strengthening the Connection between Child Welfare and Juvenile Justice*. Center for Juvenile Justice Reform and Robert F. Kennedy Children’s Action Corps (March 2012) available at <http://cjjr.georgetown.edu/pdfs/msy/AddressingtheNeedsofMultiSystemYouth.pdf> (last visited March 20, 2013).

² *Id.*

³ *Id.*

- There is commonly a lack of coordination among the various attorneys representing the youth and their parents and a lack of continuity among the judges who hear their cases;
- Outside of child welfare and juvenile justice, collaboration among the education, mental health, and substance abuse systems is also often quite tenuous for this population of youth;
- Information-sharing challenges are often encountered among these various agencies due to complex legal rules, different record-keeping procedures, the limits of current technology, and other factors that make it difficult for everyone involved in a particular child's case to be fully informed about the child's background and current situation;
- There are rarely any policy imperatives that require systems to work together, resulting in a lack of motivation to address the challenges faced; and
- There are often case management and fiscal inefficiencies that result in poor service delivery for the dually-involved youth population. Often, there is no coordinated response to the identification of these youth and to the assessment of their needs and risks.⁴

As a result, service delivery among systems can be duplicative or contradictory, and opportunities to prevent further involvement in the system can be lost. Moreover, when the systems fail to collaboratively engage families or to establish a joint permanency goal for a youth, the long-term outcomes for dually-involved youth suffer.⁵

Current Reform Initiatives

Understanding of the characteristics of crossover youth, the way in which they become known to systems, and common barriers to serving this population has led to the development of several multi-system reform efforts, particularly the Systems Integration Initiative⁶ and the Crossover Youth Practice Model.⁷

Cross over Youth Practice Model

Casey Family Programs and the Center for Juvenile Justice Reform at the Georgetown University Public Policy Institute (CJJR) have partnered since 2007 to address the unique issues presented by children and youth who are known to both the child welfare and juvenile justice systems.⁸

Based on an increasing body of knowledge, CJJR has developed a practice model that describes the specific practices that need to be in place within a jurisdiction in order to reduce the number of youth who crossover between the child welfare and juvenile justice systems, the number of youth entering and reentering care, and the length of stay in out of home care. The Crossover Youth Practice Model (CYPM or Georgetown model) provides values and standards, evidence-

⁴ *Id.*

⁵ *Id.*

⁶ The Systems Integration Initiative (SII) began at the Child Welfare League of America and is designed to help states improve the way dually-involved youth are served by focusing on the connections between the child welfare and juvenile justice systems and the development of a multisystem approach to policy and program development and service delivery. Central to the foundation of SII has been the presence of federal laws since 2002 and 2003 that specifically support—and in some instances require—collaboration between the child welfare and juvenile justice systems.

⁷ Crossover Youth Practice Model. Center for Juvenile Justice Reform and Casey Family Program (2009) available at <http://cjjr.georgetown.edu/pdfs/cypr/cypr.pdf> (last visited March 20, 2013).

⁸ *Id.*

based practices, policies and procedures, and quality assurance processes that will enable states to immediately impact how they serve crossover youth.⁹

In an effort to achieve the overall goals of the model, a set of interim outcome measures has been developed for use at each site where the model is currently being implemented:

- A reduction in the number of youth re-entering child welfare from juvenile justice placements;
- A reduction in the penetration of juvenile justice by foster youth;
- A reduction in the use of out-of-home placements;
- A reduction in the use of congregate care as a placement;
- A reduction in the use of pre-adjudication detention;
- A reduction in the rate of recidivism;
- An increase in the use of interagency information sharing;
- An increase in the inclusion of family voice in decision making;
- An increase in youth and parent satisfaction with the process; and
- An increase in the use of joint assessment.¹⁰

Implementation of the model would aim to ensure that practices are consistent for all youth within a system and resources are shared between the systems to maximize their impact. The model emphasizes the importance of developing cross systems data capacity and the need to use good data to make program and policy decisions. Within the model there is a specific focus on the reduction of youth placed in congregate care facilities, specifically group homes and shelter care, and the increased utilization of families and the community as partners in case planning, policy development, and the building of system capacity.¹¹

Congregate Care

Group homes are utilized in a variety of social service settings including child welfare, mental health, and juvenile justice. Within child welfare, institutional care may be used as a large or small shelter care facility, as a place for children to go when family care is not immediately available, and as a place where children go who have not been able to be maintained in foster family care.¹² Group homes are smaller than other residential facilities, consisting of a medium size home capable of housing between six and nine adolescents in a community based setting. Within the social service continuum of care, group homes are less restrictive than in-patient psychiatric clinics and juvenile detention centers, but more restrictive than family foster care. Group homes are considered staff secured as opposed to a locked facility. In contrast with large residential care facilities, group homes generally do not provide academic instruction and the adolescents served within these programs largely attend local public schools.¹³

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Barth, R.P. (2002). *Institutions vs. Foster Homes: The Empirical Base for the Second Century of Debate*. Chapel Hill, NC: UNC, School of Social Work, Jordan Institute for Families <http://www.crin.org/docs/Barth.pdf>. (last visited March 20, 2013).

¹³ Ryan, J. P., et al., Juvenile delinquency in child welfare: Investigating group home effects, *Children and Youth Services Review* (2008) available at <http://www.cwla.org/programs/juvenilejustice/grouphomeeffects.pdf> (last visited March 20, 2013).

The relatively low number of youth served within each group home and the staff required to manage each facility are some of the reasons that group homes are one of the most expensive placement options for children in the child welfare system. The costs of group home care far exceed those for foster care or treatment foster care. The difference in monthly cost can be 6 to 10 times as high as foster care and 2 to 3 times as high as treatment foster care. Since there is virtually no evidence that these additional expenditures result in better outcomes for children, there is no cost benefit justification for group care, when other placements are available.¹⁴ Nonetheless, some state legislatures have encouraged the expanded use of group home care because of a belief that it better provides for the needs of children.¹⁵

There is also considerable evidence that victims of physical abuse and neglect are at an increased risk of juvenile delinquency. Within the child welfare literature there is evidence that the risk of delinquency is further increased by placement in substitute care. The findings from at least one study indicate that group home placements are associated with a significantly higher risk of delinquency as compared with foster home placements.¹⁶ Moreover, despite that only 26 percent of adolescents ever experienced a group home placement, 40 percent of all arrests in the child welfare system are associated with a group home placement as opposed to arrests that occur on home visits or subsequent to reunification.¹⁷ The same study clearly identifies group homes as a target for delinquency prevention efforts in the child welfare system.¹⁸

According to national Adoption and Foster Care Analysis and Reporting System (AFCARS) data, in 2011, nearly half (47 percent) of all children in care lived in the foster family homes of non-relatives. Just over one-quarter (27 percent) lived in family foster homes with relatives, often referred to as “kinship care.” Six percent of foster children lived in group homes, nine percent lived in institutions, four percent lived in pre-adoptive families, and the rest lived in other types of facilities.¹⁹ These are not substantially different from the proportions at the beginning of the decade, though there has been a slight decrease in the number of foster children in group homes and institutions, and a corresponding increase of those in home care.²⁰

Unified Family Court

In Florida, the Supreme Court has recognized that a family should be able to have all of their disputes resolved in the most effective and efficient way possible and that Unified Family Court (UFC) is the best way to handle cases that involve children and families.²¹ Since 1991, a series of

¹⁴ Barth, R.P. (2002) *Institutions vs. Foster Homes: The Empirical Base for the Second Century of Debate*. Chapel Hill, NC: UNC, School of Social Work, Jordan Institute for Families. available at <http://www.crin.org/docs/Barth.pdf> (last visited March 20, 2013).

¹⁵ See s. 39.523, F.S.

¹⁶ Ryan, J. P., et al., *Juvenile delinquency in child welfare: Investigating group home effects*, *Children and Youth Services Review* (2008) available at <http://www.cwla.org/programs/juvenilejustice/grouphomeeffects.pdf> (last visited March 20, 2013).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ U.S. Department of Health and Human Services *Administration for Children and Families, Children's Bureau. The AFCARS Report*. (2012) available at <http://www.acf.hhs.gov/sites/default/files/cb/afcarsreport19.pdf> (last visited March 21, 2012).

²⁰ *Child Trends, Foster Care* (2012) available at www.childtrendsdatabank.org/?q=node/199 (last visited March 21, 2013).

²¹ Office of Court Improvement, Florida State Courts, available at: http://www.flcourts.org/gen_public/family/familycourts.shtml (last visited March 21, 2013).

Florida Supreme Court opinions have been instrumental in establishing UFC throughout the state. UFCs can cover a variety of legal issues which affect a given family under one judge and in one court. These issues may include domestic relations, domestic violence, dependency, and delinquency.²² UFCs must have court case management, coordination of multiple cases involving one family, collaboration between the judiciary, stakeholders, and the community to provide service for families, and a less adversarial approach, focusing on minimal harm to the child.²³

Florida

In January 2013, there were 360 children in DCF out-of-home care being jointly served on DJJ community supervision. Of those, 216 were residing in a DCF licensed residential program. Caring for this unique population often requires more extensive services than are currently being provided in the typical group home setting. This population has a high rate of running away, higher rate of behavioral problems, higher arrest rate, and this jeopardizes the behavior and stability of the other children in the homes.²⁴

According to data provided by DCF, Florida currently has 26 percent of all children in care in the child welfare system in group homes, compared to the national average of 6 percent. Of children in care between the ages of 13 and 17, 61 percent are in group homes.²⁵ The monthly room and board payment for a foster parent for a child 13 to 17 years of age is \$515 (\$6,180 annually). The department has reported that the average monthly group home care rate is \$3,709 (\$44,508),²⁶ with some community-based care lead agencies paying as high as \$4,844 monthly (\$58,126 annually), making the cost of group care in Florida 7-9.5 percent higher than a foster home.²⁷

According to the Center for Juvenile Justice Reform at the Georgetown University Public Policy Institute, implementation of the Crossover Youth Practice Model is currently under way in the following jurisdictions:²⁸

- Bartow (Highlands, Hardee, and Polk County)
- Broward County
- Duval County
- Miami-Dade County
- Volusia County

According to the Office of the State Courts Administrator (OSCA) there is no one circuit/county that has implemented all of the UFC elements outlined in the model guidance,²⁹ but they have

²² *Id.*

²³ *Id.*

²⁴ Department of Children and Families, *HB 7103 Staff Analysis and Economic Impact* (March 12, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

²⁵ Information provided by the Department of Children and Families (Dec. 21, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

²⁶ *Id.*

²⁷ Information provided by ChildNet Broward (March 13, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

²⁸ Center for Juvenile Justice Reform at the Georgetown University Public Policy Institute, *available at* <http://cjjr.georgetown.edu/pm/cypmparticipants.html> (last visited March 22, 2013).

determined that the following circuits indicate that one judge handles dependency and delinquency crossover cases:³⁰

- First Circuit
- Second Circuit: with the exception of Gadsden and Liberty Counties
- Third Circuit: with the exception of Columbia County
- Fourth Circuit: is working with Georgetown on implementing a crossover docket
- Fifth Circuit: with the exception of Hernando County
- Sixth Circuit: with the exception of East Pasco
- Seventh Circuit
- Eighth Circuit: with the exception of Gilchrist County
- Tenth Circuit: with the exception of Polk and Highlands Counties
- Eleventh Circuit: with some exceptions
- Twelfth Circuit
- Thirteenth Circuit
- Fourteenth Circuit
- Fifteenth Circuit
- Sixteenth Circuit: with the exception of Plantation
- Seventeenth Circuit
- Eighteenth Circuit
- Nineteenth Circuit: with the exception of St. Lucie and Okeechobee Counties

III. Effect of Proposed Changes:

Section 1 of the bill authorizes DJJ and DCF to collaborate on a pilot project to demonstrate a more effective service model for cross over youth, efficient coordination of services between agencies and the evidence of improved outcomes for youth residing in the pilot project facility.

The pilot project shall be limited to one county mutually agreed upon by DJJ and DCF with a high rate of cross over youth. DCF is required to seek proposals from interested child welfare service providers to elicit innovative approaches for the pilot. Preference will be given to providers in counties who have a unified family court system.

The pilot project shall include but not be limited to the following elements:

- Training provided by the DJJ to pilot home staff.
- Intervention services by the DJJ to post commitment youth residing in pilot homes.
- Enhanced security measures at pilot homes.
- Unified treatment plans for cross over youth served by multiple state and local agencies.
- Interventions to ensure that youth at low risk to reoffend are not negatively affected by high risk cross over youth.

²⁹ E-mail from Eric Maclure, Director, Community and Intergovernmental Relations, Office of the State Courts Administrator (March 22, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

³⁰ E-mail from Eric Maclure, Director, Community and Intergovernmental Relations, Office of the State Courts Administrator (March 22, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

The pilot project may begin upon the bill becoming law and must end no later than June 30, 2014. DCF and DJJ shall jointly prepare an interim report due December 31, 2013 and a final report due August 31, 2014, on findings including specific performance measures identified in the bill and recommendations from the pilot project.

Section 2 of the bill provides an effective date of upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Fiscal Impact	Fiscal Year 2013-14			
	FTE	GR	Trust	Total
Contract review		\$59,000	\$0	\$59,000
Consulting services		\$126,000	\$0	\$126,000
Cost to participating CBC		\$25,000	\$0	\$25,000
Operational efficiencies		\$70,000	\$0	\$70,000
Total		\$280,000	\$0	\$280,000

According to the DJJ, there will be no fiscal impact to the department to implement the provisions of the bill.³¹

³¹ Email from Ana Sanchez, Legislative Director of the DJJ, dated April 10, 2013.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Lines 30-31 of the bill state that the project will demonstrate a more effective service model for crossover youth and line 47 of the bill references “residential homes.” Since evidence has shown that group homes are associated with a significantly higher risk of delinquency as compared with foster homes, a service model centered on increased interventions in group homes would not appear to be a preferred long-term method of enhancing outcomes for crossover youth.

Lines 40-41 of the bill provide a preference to counties having a unified family court when selecting a location for the pilot. Since there is no one circuit/county that has implemented all of the UFC elements outlined in the model guidance, a better choice might be to give preference to a circuit/county that currently has one judge that handles dependency and delinquency crossover cases.

Line 55 of the bill states that the pilot project must include enhanced security at the pilot homes which may negatively impact those children in the home who are not delinquent.

Since there are numerous counties in the state that have implemented the Crossover Youth Practice Model, the pilot should be designed to complement work that is already being done.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.